

REMARKS

The present application has been carefully studied and amended in view of the Office Action dated September 5, 2008, and reconsideration of that Action is requested in view of the following comments.

A petition for a three-month extension of time accompanies this response together with the appropriate fee. Accordingly, the deadline for responding to the Office Action has been extended until March 5, 2009, and this response is therefore timely filed.

Claims 1, 4-10, 12-26, 28-35 and 37-42 are currently pending in this application. Claims 12-25 and 37-42 stand withdrawn.

Pending claims 26 and 28-35 have been amended to address the rejection of these claims under 35 USC §112, first paragraph. The objectionable language has been deleted, and these claims are now believed to be in proper form and in full compliance with the statute.

Elected claims 1, 4-10, 26 and 28-35 define the present invention in a manner that distinguishes it from the applied prior art. Specifically, claims 1 and 26 are not anticipated by Barringer et al ("Barringer") US 5,891,295 and claims 4-10 and 28-35 are not rendered obvious by Barringer, for the following reasons.

Claims 1 and 26 have been amended to recite the thickness of the gasket of claim 1 and the thin film of claim 26. Additionally, the gasket of claim 1 and the thin film of claim 26 have been further amended to recite an opening therein smaller than the aperture in the plate. Also, the at least one electrode of claim 1 and the at least one

component of claim 26 extend over the opening in the gasket or thin film. By way of example, such opening in the gasket or thin film is shown in Figure 6 of the drawings.

It is abundantly clear that the substrate in Barringer has no punched out or cut out window or opening such as provided in the thin film or gasket of the present invention. As a result, when using the device of Barringer as a fixture for facilitating the fabrication of a fuel cell member electrode assembly, the frame of Barringer applies tension to the thin film or gasket and thereby causes crack propagation if cutting or stamping a window or opening in the thin film or gasket material. In Barringer any such punched out or cut out window would crack in the corners of such window due to the applied tension. The thin film of Barringer does not have any such punched out or cut out window, and as a result the tensioning of Barringer does not cause or create any problems with crack propagation.

Accordingly, in view of the claim changes and the above arguments in support of patentability, it is believed that the present application is in condition for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

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